

# HOW TO ORGANIZE A REDEVELOPMENT AUTHORITY

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## **INTRODUCTION**

### **WHAT IS URBAN RENEWAL UNDER M.G.L. CHAPTER 121B?**

Under Massachusetts General Laws Chapter 121B (M.G.L. c. 121B) municipalities acting through their redevelopment authorities, are authorized to redevelop substandard, decadent or blighted open areas for industrial, commercial, business, residential, recreational, education, hospital, or other purposes. Future development within these designated urban renewal areas must be undertaken in accordance with use limitations specified in approved urban renewal plans.

Chapter 121B places great importance on the achievement of socio-economic development such as the provision of jobs for the unemployed, the addition of tax revenue to overburdened communities and/or the assemblage of parcels of sufficient size for the expansion or siting of industry, business or housing. Urban renewal projects help municipalities revitalize deteriorated and underutilized areas by providing the economic climate environment needed to attract and support private investment. The Massachusetts Department of Housing and Community Development (DHCD) is charged with the responsibility for the operation and administration of the Urban Renewal Program as defined under c.121B.

### **WHAT IS A REDEVELOPMENT AUTHORITY?**

A Redevelopment Authority as an independent body politic and corporate, is not an agency of a municipality and therefore, does not answer directly to the chief executive. This affords the Redevelopment Authority more autonomy in planning and implementing revitalization and redevelopment projects.

Redevelopment Authorities have broad powers to plan and implement activities needed to redevelop underutilized, deteriorated or blighted open areas, to encourage new development and to promote sound growth. Redevelopment Authorities have the power to:

- Establish rehabilitation and design standards;
- Assemble and dispose of land, including the taking of real estate through eminent domain;
- Relocate businesses and residents occupying property in urban renewal areas;
- Demolish and/or rehabilitate substandard structures;
- Participate in real estate development and commercial revitalization;
- Issue bonds, borrow money, invest funds, and receive grants; and
- Accept gifts or requests.

Redevelopment Authorities are exempt from M.G.L. c.30B, the Uniform Procurement Act, when engaged in the development and disposition of real property in accordance with an approved Urban Renewal Plan. This exemption, coupled with the ability to use eminent domain powers makes Redevelopment Authorities powerful tools for commercial revitalization, industrial park development, infrastructure improvements, facilities renovation and brownfield site remediation. Redevelopment Authorities are particularly effectively in large-scale and complex redevelopment projects and land assembly.

A Redevelopment Authority is governed by an appointed five-member board. The process for appointing the board of a Redevelopment Authority is controlled by the public sector. In a city the city council must confirm members appointed by the mayor or city manager. In a town, after the town meeting vote establishing the redevelopment authority, town meeting may vote to authorize the board of selectmen to appoint four members. These members serve until the next annual town meeting, at which time an election is held to seat four successors. The Commonwealth, through DHCD, appoints one member to the Redevelopment Authority board. Staffing levels vary depending on the size of the municipality and the type of activity undertaken according to an Urban Renewal Plan or other activities. At minimum, most Redevelopment Authorities consist of an executive director and an administrative assistant.

The development and approval of an Urban Renewal Plan is necessary before a Redevelopment Authority can undertake certain projects.

### **WHAT IS AN URBAN RENEWAL PLAN?**

The Urban Renewal Plan is an application submitted by a municipality through its Redevelopment Authority to DHCD

requesting approval of an urban renewal/redevelopment project. The Urban Renewal Plan must include all of the following information as specified under Massachusetts Regulations 760 CMR 12.00:

- Maps of the project area;
- Data demonstrating that the area meets the eligibility criteria as a substandard, decadent or blighted open area;
- Project objectives, including specifications of all proposed redevelopment and detailed job creation and retention estimates;
- A financial plan, including cost estimates and a project budget;
- Local approvals;
- Site preparations, including land protections and measures to address environmental or flood problems;
- Public improvements, including how the improvements will help achieve the objectives of the plan;
- A relocation plan;
- Redeveloper's obligations (i.e., restrictions that are or will be placed on developer of individual parcels purchased from Redevelopment Authority);
- Disposition for each parcel (i.e., how will the parcels be redeveloped and by whom, if information is known at time of urban renewal plan preparation);
- A report on citizen participation describing meaningful citizen participation in the planning process and expected citizen participation during project execution.

In order to approve a proposed Urban Renewal Plan, DHCD must make the following six findings:

- (1) The project area would not, by private enterprise alone and without either government subsidy or the exercise of governmental powers, be made available for urban renewal -- i.e., without public involvement, the project/site would not be developed.
- (2) The proposed land uses and building requirements in the project area will afford maximum opportunity for privately financed urban renewal consistent with the needs of the locality as a whole -- i.e., the project will enhance/promote desired private investment.
- (3) The plan for financing the project is sound.
- (4) The project area is a decadent, substandard or blighted open area.
- (5) The urban renewal plan is complete as required under 760 CMR 12.00 (see #1 above).
- (6) The Relocation Plan is approved under M.G.L. c.79A.

When these findings have been made, DHCD will issue a letter of approval for project implementation. If the Urban Renewal Plan is not approved, it may be resubmitted with such modifications, supporting data, or arguments as are necessary to meet DHCD's written objections.

No urban renewal project may be undertaken until a public hearing relating to the urban renewal plan for the project has been held before the city council or the municipal officers of a town and approval is obtained by municipal officers and DHCD.

## **ESTABLISHING A REDEVELOPMENT AUTHORITY**

### **LEGISLATIVE AUTHORIZATION FOR ESTABLISHING A REDEVELOPMENT AUTHORITY**

The legislative authorization for municipalities to form Redevelopment Authorities is found in M.G.L. Chapter 121B. Section 4:

**“There is hereby created, in each city and town in the commonwealth, a public body politic and corporate to be known as the ‘Redevelopment Authority’ of such city of town; that no such authority**

shall transact any business or exercise any powers until the need for such an authority has been determined and a certificate of organization has been issued to it by the state secretary, both as hereinafter provided.

Whenever the municipal officers of a city, or the voters at an annual or special town meeting determine that there is a need for a redevelopment authority in such city or town for the purpose of engaging in urban renewal projects or other work under this chapter and that it is in the public interest that such an authority be organized in such city or town, a redevelopment authority shall be organized in such city or town.”

- First, a municipality must establish the **NEED** for a Redevelopment Authority. Municipal officers in a city or Town Meeting in a town must first pass an article adopting the provisions of c. 121B relative to establishing a Redevelopment Authority.

**Suggested Article:**

“To see if the **City/Town of** \_\_\_\_\_ will vote under Massachusetts General Laws (Ter. Ed.) Chapter 121B, Section 4, as amended, to establish a Redevelopment Authority and in that connection to make any and all determinations and declarations deemed necessary or desirable, and take any action in relation thereto.”

- Second, a city or town must (a) determine whether or not the municipality actually needs a Redevelopment Authority and then (b) vote to establish the Redevelopment Authority. In determining its need for a Redevelopment Authority, a city or town should consider problems under c. 121B, Section 45, such as the existence of decadent, substandard or blighted open areas, high unemployment or underemployment, the existence of unsanitary or unsafe residential structures, insufficient infrastructure, the shortage of developable land or the existence of other obstacles to private investment.

**Suggested Vote:**

“Whereas there exists in the **City/Town of** \_\_\_\_\_: (a) substandard, decadent or blighted open areas; *and* (b) that each constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of residents; *and* (c) that the menace of such decadent, substandard or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise; that whereas it is hereby determined that a Redevelopment Authority is needed for: (a) the acquisition, planning, clearance, conservation, rehabilitation or rebuilding of such decadent, substandard and blighted open areas for residential, governmental, recreational, educational, hospital, business, commercial, industrial or other purposes; **Now therefore it is hereby voted:** that the Redevelopment Authority shall be organized and established under the provisions of the Massachusetts General Laws (Ter. Ed.) Chapter 121B, Section 4 and acts in amendment thereof and in addition thereto.”

## DOCUMENTS REQUIRED TO ESTABLISH A REDEVELOPMENT AUTHORITY

Once the resolution establishing the need for a Redevelopment Authority has been passed the documents below should be assembled and submitted to DHCD.

	<b>CITY</b>	<b>TOWN</b>
<b>1.</b>	TWO (2) certified copies of the extracts from the proceedings of the City Council or Board of Alderman meeting showing the adoption of the article (in previous section of Handbook) declaring a <u>need</u> for a local Redevelopment Authority and showing the presence of a quorum.	<u>Town Meeting:</u> TWO (2) certified copies of the extracts from the proceedings of the Town Meeting showing the adoption of the article (in previous section of Handbook) declaring a <u>need</u> for a local Redevelopment Authority and showing the presence of a quorum.

2.		<u>Special Town Meeting</u> : TWO (2) certified copies of the warrant including the article in question; TWO (2) attested copies of the returned warrant; TWO (2) certificates of the town clerk that the warrant was signed by a majority of the selectmen in office at the time; and TWO (2) certificates of the town clerk that the warrant was posted and published in accordance with state law.
3.	TWO (2) certified copies of the above resolution as passed without proceedings.	TWO (2) certified copies of the above resolution as passed without proceedings.

## DOCUMENTING THE APPOINTMENT OR ELECTION OF BOARD MEMBERS

Under c.121B, Section 5, every Redevelopment Authority shall be managed, controlled and governed by five members, appointed in a city and elected in a town. Legal counsel should be consulted to assure adherence to any charter provisions that may differ from state law.

- **In a city:** four members are appointed by the mayor or city manager, subject to confirmation by the city council or board of alderman.
- **In a town:** four members are elected at the annual town meeting, usually one member per year, except in the case of vacancies, resignations, etc.
- DHCD appoints the fifth member to the Redevelopment Authority in both cities and towns.
- The city or town clerk is responsible for certifying the appointment or election of all Redevelopment Authority members. The city/town clerk must: maintain copies of the original certificates (or minutes of the Board of Selectmen's meeting in a town) of appointment or election, administer the oath of office to each member, record the date on which the oath was administered, file copies of Certificates of Appointment or Election with DHCD and file duplicate copies of the Certificates with the Office of the Secretary of the Commonwealth.

The five-year terms of Redevelopment Authority members are staggered, such that only one member will be appointed/elected each year following the initial organization of the authority. Only residents of the city or town may serve as members of the Redevelopment Authority.

Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the remainder of the unexpired term, in the same manner and by the same body as the original Redevelopment Authority membership was appointed/elected.

Whenever the membership of a Redevelopment Authority is changed by appointment, election, resignation or removal, a certificate and duplicate certificate must be filed with DHCD and with the Office of the Secretary of the Commonwealth. The certificate shall state the names, offices and dates pertinent to the changes. However, a member may serve on the Redevelopment Authority beyond his/her term's expiration date until his/her reappointment or position is filled by another person.

The following documents must be submitted to DHCD:

	<b>CITY</b>	<b>TOWN</b>
1.	FOUR (4) certified copies of the certificates of the four members appointed by the Mayor, and the fifth	FOUR (4) certified copies of extracts from the minutes of the meeting of the Selectmen showing the

	member appointed by DHCD	appointment of four members by the town and a fifth member by DHCD
2.	FOUR (4) certified copies of the extracts from proceedings of the City Council or Board of Alderman showing confirmation of the Mayor's appointments	No comparable action
3.	Four (4) certified copies of the extracts from the minutes of the organizational meeting of the Redevelopment Authority showing: <ol style="list-style-type: none"> <li>1. Adoption of the by-laws;</li> <li>2. Election of officers and the appointment of a temporary secretary</li> <li>3. Adoption of a seal;</li> <li>4. Designation of the location of the office;</li> <li>5. Designation of the time and place of regular meetings; and</li> <li>6. Designation of the time and place of the annual meeting.</li> </ol>	

Information on resignation, removal or suspension of Redevelopment Authority members can be found in c. 121B, Section 6.

## DISTRIBUTION OF DOCUMENTS

Documents must be distributed in the following manner:

	<b>DISTRIBUTION</b>
1.	One (1) set of all the documents shall be retained by the Redevelopment Authority for its own files. This does not include the extracts. The original minutes shall be retained in the Redevelopment Authority's minutes book.
2.	One (1) set of all the documents shall be retained by the city or town for bond counsel.
3.	One (1) set of all the documents shall be forwarded to DHCD, <u>Urban Development Coordinator</u> , 100 Cambridge Street, Suite 300, Boston MA 02114
4.	One (1) set of all documents shall be forwarded to the Secretary of the Commonwealth, <u>Public Records Division</u> , One Ashburton Place, Room 1719, Boston, MA 02108

Following review and approval of the documents discussed above by DHCD and the Secretary of the Commonwealth, the Secretary of the Commonwealth will issue a **Certificate of Organization**.

## FOR MORE INFORMATION PLEASE CONTACT:

John Fitzgerald  
Urban Development Coordinator  
(617) 573-1446  
[john.fitzgerald-ocd@state.ma.us](mailto:john.fitzgerald-ocd@state.ma.us)

# SAMPLE DOCUMENTS

## ADOPTION OF RESOLUTIONS AT THE REDEVELOPMENT AUTHORITY'S ORGANIZATIONAL MEETING

### *Resolution No. 1*

#### A RESOLUTION APPROVING AND ADOPTING THE BY-LAWS OF THE \_\_\_\_\_ REDEVELOPMENT AUTHORITY

Whereas, pursuant to the provisions of the Redevelopment Authority Law of the Commonwealth of Massachusetts, the governing body of the City (Town) of \_\_\_\_\_ has duly authorized the organization of the \_\_\_\_\_ Redevelopment Authority; and

Whereas, five members of the \_\_\_\_\_ Redevelopment Authority have been appointed; and

Whereas, all of said members have duly taken their oaths of office:

NOW, THEREFORE, BE IT RESOLVED BY THE \_\_\_\_\_ REDEVELOPMENT AUTHORITY:

**Section 1.** That the \_\_\_\_\_ Redevelopment Authority is hereby declared to be properly organized and authorized to transact business and exercise its powers in accordance with the provisions of the Redevelopment Authority Law of the Commonwealth of Massachusetts.

**Section 2.** That the certified copies of the documents showing the proper organization of the \_\_\_\_\_ Redevelopment Authority and the appointment of its members shall be made a part of this resolution. *(These documents are filed as Document No. 1 in the Document Book of the Authority.)*

**Section 3.** That the following by-laws be and hereby are approved and adopted as the by-laws of the \_\_\_\_\_ Redevelopment Authority. *(The by-laws\* are filed as Document No. 2 in the Document Book of the Authority.)*

\*See attached by-laws.

### **Resolution No. 2**

#### RESOLUTION APPROVING AND ADOPTING A SEAL

Be it Resolved by the \_\_\_\_\_ Redevelopment Authority that the seal of this Authority shall be in the form of a circle and shall bear the name of the Authority, and the year of its organization. The Secretary is hereby authorized and directed to imprint said seal on the margin of the minutes opposite this resolution.

### *Resolution No. 3*

#### RESOLUTION DESIGNATING THE LOCATION OF THE OFFICE



Be it Resolved by the \_\_\_\_\_ Redevelopment Authority that the office of the Authority shall be located at \_\_\_\_\_ Street, \_\_\_\_\_, Massachusetts.

***Resolution No. 4***

**RESOLUTION DESIGNATING THE TIME AND PLACE OF REGULAR MEETINGS**

Be it Resolved by the \_\_\_\_\_ Redevelopment Authority that regular meetings of this Authority shall be held at \_\_\_\_\_ P.M. on the first \_\_\_\_\_ in each calendar month at \_\_\_\_\_ Street, \_\_\_\_\_, Massachusetts.

***Resolution No. 5***

**RESOLUTION DESIGNATING THE TIME AND PLACE OF ANNUAL MEETINGS**

Be it Resolved by the \_\_\_\_\_ Redevelopment Authority that annual meetings of this Authority shall be held at \_\_\_\_\_ P.M. on the first \_\_\_\_\_ of \_\_\_\_\_ at \_\_\_\_\_ Street, \_\_\_\_\_, Massachusetts.

**ELECTION OF OFFICERS AND APPOINTMENT OF EXECUTIVE DIRECTOR**

Following the adoption of by-laws, the following officers should be elected: Chair, Vice-Chair, Treasurer and Assistant Treasurer. Until such time as funds are available for an Executive Director (who is ex-officio Secretary), the Authority should appoint a temporary secretary.

The minutes will, therefore, show the following:

" \_\_\_\_\_ " was nominated for the office of Chair and upon motion duly made, seconded and adopted, the nominations were closed. After a vote was taken, \_\_\_\_\_ was declared to be elected to the office of Chair.

" \_\_\_\_\_ " was nominated for the office of Vice-Chair and upon motion duly made, seconded and adopted, the nominations were closed. After a vote was taken, \_\_\_\_\_ was declared by the Chair to be elected to the office of Vice-Chair.

" \_\_\_\_\_ " was nominated for the office of Treasurer and upon motion duly made, seconded and adopted, the nominations were closed. After a vote was taken, \_\_\_\_\_ was declared by the Chair to be elected to the office of Treasurer.

" \_\_\_\_\_ " was nominated for the office of Assistant Treasurer and upon motion duly made, seconded and adopted, the nominations were closed. After a vote was taken, \_\_\_\_\_ was declared by the Chair to be elected to the office of Assistant Treasurer.

Upon motion duly made, seconded and adopted, " \_\_\_\_\_ " was appointed as temporary Secretary pending the appointment of a permanent Secretary."

**BY-LAWS**

APPROVED IN RESOLUTION NO. 1, ADOPTED ON \_\_\_\_\_, 20\_\_\_\_\_

OF THE \_\_\_\_\_ REDEVELOPMENT AUTHORITY

## ARTICLE I - THE AUTHORITY

**Section 1. Name of Authority.** The name of the Authority shall be the " \_\_\_\_\_ Redevelopment Authority."

**Section 2. Seal of Authority.** The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority and the year of its organization.

**Section 3. Office of Authority.** The office of the Authority shall be located within the \_\_\_\_\_ of \_\_\_\_\_, Massachusetts.

## MEMBERS OF REDEVELOPMENT AUTHORITY

### ARTICLE II - OFFICERS

**Section 1. Officers.** The officers of the Authority shall be a Chair, a Vice-Chair, a Treasurer, an Assistant Treasurer and a Secretary who shall be Executive Director.

**Section 2. Chair.** The Chair shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chair shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chair shall submit such recommendations and information as he may consider proper concerning the business affairs and policies of the Authority.

**Section 3. Vice-Chair.** The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair, and in case of a vacancy in the office of the Chair.

**Section 4. Treasurer and Assistant Treasurer.** The Treasurer shall sign all orders and checks for the payment of money and shall pay out and disburse such monies under the direction of the Authority except as otherwise authorized by resolution of the Authority. The Authority may by resolution designate one or more members to countersign such orders and checks, and may from time to time qualify, change or cancel any such designation. The Assistant Treasurer shall perform the duties of the Treasurer in the absence or incapacity of the Treasurer and in case of a vacancy in the office of the Treasurer. The Treasurer and Assistant Treasurer shall give bond for the faithful performance of their duties. Any member elected to the office of Treasurer or Assistant Treasurer shall serve without compensation other than payment of necessary expenses.

**Section 5. Executive Director.** The Executive Director of the Authority shall be the ex-officio Secretary, and shall have general supervision over the administration of its business and affairs, subject to the direction of the Authority. He shall be charged with the management of the development projects of the Authority. He shall have care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select. He shall keep regular books of accounts showing receipts and expenditures and shall render to the Authority, at each regular meeting, or more often if requested, an account of his transactions and also of the financial condition of the Authority.

The Authority shall determine the compensation of the Executive Director and he shall give bond for the faithful performance of his duties, but a member of the Authority serving as Secretary and Executive Director in a temporary capacity shall serve without compensation other than the payment of necessary expenses.

**Section 6. Secretary.** The Secretary shall keep the records of the Authority, shall act as Secretary of the meetings of the Authority and record all votes, and shall keep a record of the proceedings of the Authority in a minutes book to be kept for such purposes (documents and supplementary material forming a part of the minutes may be kept in a supplementary document book), and shall perform all duties incidental to his office. He shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority.

At any regular or special meeting in the absence of the Secretary, a Secretary pro tempore may be appointed from among the

members of the Authority who shall serve without compensation other than the payment of necessary expenses.

**Section 7. Duties of Members.** The Members of the Authority shall perform such duties as are incumbent upon them by reason of their election to any office and shall perform such other duties and functions as may from time to time be required by the Authority or the by-laws, or which may arise by reason of their appointment to serve on committees functioning within the Authority or in cooperation with other persons or groups.

**Section 8. Election or Appointment.** The Chair, Vice-Chair, Treasurer and Assistant Treasurer shall be elected at the annual meeting of the Authority from among the Members of the Authority, and shall hold office for one year or until their successors are elected and qualified.

The Authority shall appoint one person to fill the office of Secretary and Executive Director. Any person appointed to fill the office of Secretary and Executive Director, or any vacancy therein, shall have such terms as the Authority fixes, but no Member of the Authority shall be eligible to this office except as a temporary appointee.

**Section 9. Vacancies.** Should the office of Chair, Vice-Chair, Treasurer or Assistant Treasurer become vacant, the Authority shall elect a successor from its membership at the next meeting, and such election shall be for the unexpired term of said office.

**Section 10. Additional Personnel.** The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Redevelopment Authority Law of the Commonwealth of Massachusetts, as amended, and all other laws of the Commonwealth of Massachusetts applicable thereto.

### **ARTICLE III - MEETINGS**

**Section 1. General Provisions.** Annual meetings and regular meetings of the Authority shall be held at such time and place as may be originally designated or subsequently changed by resolution adopted by the Authority at any regular or special meeting. A notice of every meeting held by the Authority is to be filed with the Clerk of the city or town, and the notice or a copy of the notice must be publicly posted in the office of the Clerk, or principal official location, at least 48 hours (including Saturdays but not Sundays) before the meeting. The public notice shall state the date, time and place of the meeting.

All meetings shall be held at the office of the Authority in the absence of the specific designation of some other meeting place in any such resolution. In the event that the date of any annual or regular meeting as provided in any such resolution shall fall on a Sunday or a legal holiday, the meeting shall be held on the next succeeding secular day at the place and time designated in the resolution.

**Section 2. Annual Meetings.** Annual meetings of the Authority, as voted in the resolutions, shall be held for the purposes of electing officers, receiving the annual report of the Executive Director and for the conduct of such other business as may come before the meeting.

**Section 3. Regular Meetings.** Regular meetings of the Authority, as voted in the resolutions, shall be held at least once in each calendar month for the transaction of the business of the Authority.

**Section 4. Special Meetings.** The Chair of the Authority may, when he deems it expedient, and shall, upon the written request of two Members of the Authority, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to any Member of the Authority or may be mailed to his business or home address at least two days prior to the date of such special meeting. At such special meeting, no business shall be considered other than as designated in the notice, but if all the Members of the Authority are present at a special meeting, any and all business may be transacted at such special meeting.

**Section 5. Quorum.** The powers of the Authority shall be vested in the Members thereof in office from time to time. Three Members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may meet and adjourn from time to time until a quorum is obtained. At least twelve hours notice of the time and place of holding such adjourned meeting shall be given to all Members who were not present at the meeting from which adjournment was taken. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the Members present.

**Section 6. Order of Business.** At the regular meetings of the Authority, the following shall be the order of business:

1. Roll call.
2. Reading and approval of the minutes of the previous regular meeting and any intervening special meeting.
3. Bills and communications.
4. Report of the Executive Director.
5. Reports of Committees.
6. Unfinished Business.
7. New Business.
8. Adjournment.

All resolutions shall be in writing and copies shall be kept in a minutes book of the Authority.

**Section 7. Manner of Voting.** All questions coming before the Authority shall be presented in the form of motions or resolutions chronologically numbered. The vote on all resolutions shall be by roll call, and each resolution and motion shall be entered in full upon the minutes of the meeting. For all resolutions, the ayes and nays shall be recorded.

## **ARTICLE IV - AMENDMENTS**

**Amendments to By-Laws.** The by-laws of the Authority shall be amended only by resolution adopted by the affirmative vote of at least three Members of the Authority at a regular or special meeting, held after seven days notice in writing of the substance of the proposed amendment shall have been sent to each Member.

## **MEETINGS OF REDEVELOPMENT AUTHORITIES**

### **PREPARATION OF MINUTES AND EXTRACTS FROM MINUTES**

**Form of Minutes.** It is suggested that the formal portions of the minutes follow as closely as possible the language shown on the attached form.

The first five lines appearing on the form constitute a heading or title to the extracts. The words "Extracts From" would not appear in the original minutes, but everything, which follows, up to, the adjournment of the meeting, is appropriate for inclusion in the minute book.

**Notice of Special Meeting.** The second and third pages of the form should appear in the minutes and, therefore, in extracts taken from minutes only in the event of a special meeting. These pages deal with the notice of meetings. The by-laws provide that all meetings shall be held with proper public notice, and evidence of such notice must be set forth in the minutes of the meetings.

The notice of special meeting appearing on the second page of the form should be addressed to all Members and should show all the purposes for which the meeting is called. This is necessary because the by-laws provide that at special meetings, "No business shall be considered other than as designated in the call," unless all members are present. The Chair should sign the notice of meeting and the minutes should contain a confirmed copy of that notice. The Secretary should sign the certificate as to service of notice that appears in the minutes.

The waiver of notice need not be signed if the notice was sent out in accordance with the provisions of the by-laws. The waiver of

notice does appear in the form, however, and when used as provided by law, the waiver should be executed by absent members before the meeting in order to be valid. The copy in the minutes book should merely be a copy showing the confirmed signatures.

Resolutions. The fourth page of the form merely contains the words, "The following resolution was introduced by \_\_\_\_\_, read in full and considered." The resolution should be numbered in its chronological order and inserted in full in the minutes.

If the resolution adopts as the corporate act of the local authority any document or instrument, such as a budget, contract or lease, those documents or instruments should be referred to in the resolution either as being annexed or attached to the resolution, or as filed in the Document Book of the authority. Extracts of minutes furnished to the Department of Housing and Community Development shall contain the document, budget or other paper, if it is part of the minutes.

The fifth page shows the motion to adopt the "foregoing resolution," the seconding of the motion, the roll call and the declaration by the Chair that the motion was carried and the resolution adopted. The by-laws may permit action without a resolution or a roll call. In that case a mere indication of "Voted," or that a motion was adopted, will be sufficient for the minutes. Nothing further is needed to show that the authority acted properly in adopting any particular resolution.

The form shows language, on pages 5 and 6, by which an additional resolution may be adopted. This language can be repeated for as many resolutions as are to be adopted at the meeting.

Adjournment. The final entry in the minute book would show the adjournment and the signature of the Secretary. Those matters should, therefore, appear on the last page of any extract furnished to us immediately prior to the final certificate.

Language similar to the following might be used:

"Upon motion duly made and seconded, it was VOTED:  
to adjourn. The meeting adjourned at \_\_\_\_\_ o'clock, \_ .m.

\_\_\_\_\_  
Secretary

Final Certificate. The final page of the form shows certificate to be signed and sealed by the Secretary, evidencing the fact that the extracts and resolutions contained in the extract are correct copies of material appearing in the minutes. The certificates themselves form no part of the minutes but are merely to be attached to extracts from the minutes furnished to the Department of Housing and Community Development or other interested parties.

Signatures. In the minute book, all signatures (on the certificate of service, waiver and after the adjournment) should be signed by the appropriate persons in black ink. In extracts, those signatures would be typed, and the Secretary would sign the final certificate in ink and affix the seal of the authority.

Use of Form. One copy of a general form has been attached as a guide.

-

## EXTRACTS OF MEETINGS

EXTRACTS FROM THE MINUTES OF A \_\_\_\_\_

MEETING OF THE \_\_\_\_\_

REDEVELOPMENT AUTHORITY HELD ON \_\_\_\_\_

The Members of the \_\_\_\_\_ Redevelopment Authority met  
in \_\_\_\_\_ session at \_\_\_\_\_ (address)  
in the City/Town of \_\_\_\_\_, Massachusetts, \_\_\_\_\_ (zip code) at  
\_\_\_\_\_ o'clock \_\_.m., on \_\_\_\_\_ (date).

The meeting was called to order by the Chair and upon roll call, those present and absent were as follows:

Present:

Absent:

By unanimous consent Member \_\_\_\_\_ acted as Chair for the first meeting.\*

*\*This will appear in minutes of first meeting only.*

**SPECIAL MEETINGS**

THE NOTICE OF SPECIAL MEETING WITH THE CERTIFICATE AS TO SERVICE OF NOTICE OF SPECIAL MEETING attached thereto, and the WAIVER OF NOTICE OF AND CONSENT TO SPECIAL MEETING, as signed by the Members of said Authority, were read and ordered spread upon the minutes of this special meeting and **filed for record.**

NOTICE OF SPECIAL MEETING

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Members of the \_\_\_\_\_

Redevelopment Authority are called to meet in special session at \_\_\_\_\_ o'clock,  
\_\_\_\_.m., on \_\_\_\_\_ at \_\_\_\_\_  
in the City/Town of \_\_\_\_\_ for the following purposes:

The transaction of any other business that may come before **the meeting**.

**Dated** \_\_\_\_\_

\_\_\_\_\_  
Redevelopment Authority

\_\_\_\_\_  
By \_\_\_\_\_ Chair

## **CERTIFICATE AS TO SERVICE OF NOTICE OF SPECIAL MEETING**

I, \_\_\_\_\_, the duly appointed, qualified and acting \_\_\_\_\_  
\_\_\_\_\_ of the \_\_\_\_\_ Redevelopment Authority, do hereby  
certify that on \_\_\_\_\_ I served, in the manner provided in the By-Laws  
of said \_\_\_\_\_, upon each of the Members of said Authority  
named in the foregoing NOTICE OF SPECIAL MEETING, a true and correct copy of the  
foregoing NOTICE OF SPECIAL MEETING.

IN TESTIMONY WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

## **WAIVERS OF NOTICE OF AND CONSENT TO SPECIAL MEETING**

We, the undersigned Members of the \_\_\_\_\_ Redevelopment  
Authority do hereby accept service of the foregoing NOTICE OF SPECIAL MEETING,  
waiving any and all irregularities in such service and in said NOTICE OF SPECIAL MEETING  
and do hereby consent and agree that the said Members of said Authority shall meet at the time

and place named in said NOTICE OF SPECIAL MEETING and for the purposes therein stated.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following resolution was introduced by \_\_\_\_\_  
read in full and considered:

\_\_\_\_\_ moved that the foregoing resolution be adopted as introduced and read, which motion was  
seconded by \_\_\_\_\_ and upon roll call the "Ayes" and "Nays" were as follows:

AYES

NAYS

The Chair thereupon declared said motion carried and said resolution adopted.

The following resolution was introduced by \_\_\_\_\_  
read in full and considered:

#### **ATTACHMENT (NO. 1)**

#### **CERTIFICATE**

I, the undersigned, the duly appointed, qualified and acting Secretary of the \_\_\_\_\_ Redevelopment Authority, do  
hereby certify:

THAT the attached extract from the Minutes of the \_\_\_\_\_ meeting of the members of said Authority held  
on \_\_\_\_\_, is a true and correct extract of the original Minutes of said Meeting on file and or record  
insofar as said original Minutes related to the matters set forth in said attached extract; and

THAT on the date of this Meeting each member present and voting was a resident of the City/Town of \_\_\_\_\_;  
and

THAT notice of such Meeting was duly filed more than twenty-four hours prior thereto with the City/Town Clerk of the City/Town  
of \_\_\_\_\_ in accordance with the requirements of Chapter 303 of the Acts of 1975, inserted in the  
Massachusetts General Laws by Chapter 39, Section 23B, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Authority \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.



\_\_\_\_\_  
Secretary

**ATTACHMENT (NO. 2)**

A copy of the NOTICE OF MEETING, pursuant to Section 23B of Chapter 39 of General Laws, with the CERTIFICATE AS TO SERVICE OF NOTICE OF MEETING attached hereto, was read and ordered spread upon the minutes of this meeting and filed for record.

**NOTICE OF MEETING**

Notice is hereby given in accordance with Section 23B of Chapter 39 of the General Laws that a meeting of \_\_\_\_\_ Redevelopment Authority will be held at \_\_\_\_\_ o'clock \_\_m., on \_\_\_\_\_, 20\_\_\_\_, at the \_\_\_\_\_ Redevelopment Authority.

\_\_\_\_\_  
Month Day Year

By: \_\_\_\_\_

Title: \_\_\_\_\_

**CERTIFICATE AS TO SERVICE OF NOTICE OF MEETING**

(M.G.L. c. 39, Section 23B)

I, \_\_\_\_\_ the duly appointed, qualified and acting \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_ do hereby certify that on  
\_\_\_\_\_, 20\_\_\_\_, I filed, in the manner provided by Section 23B, Chapter 39,  
General Laws, with the Clerk of the City/Town of \_\_\_\_\_ of  
\_\_\_\_\_, A NOTICE OF MEETING of which the  
foregoing, is a true and correct copy.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Authority  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

**ATTACHMENT (NO. 3)**

**CERTIFICATE OF APPOINTMENT/ELECTION**

CITY/TOWN OF \_\_\_\_\_, MASSACHUSETTS

This is to certify that in accordance with the Massachusetts General Laws, Chapter 121B,

Section 5, and the charter and by-laws of the

City/Town \_\_\_\_\_

of

Name: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

having been appointed/elected by the Mayor/Selectmen/Townspople or state appointee (please circle appropriate category)

a member of the

Redevelopment Authority for a term commencing \_\_\_\_\_ and expiring \_\_\_\_\_,

appeared before me and took the oath of office on \_\_\_\_\_.

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

City/Town Clerk \_\_\_\_\_

If new member, he/she replaces \_\_\_\_\_ who resigned, moved, is deceased or  
did not seek reappointment/re-election.

Please return this form to:

Department of Housing & Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114  
Attn: John Fitzgerald

and a duplicate to:

Secretary of the Commonwealth  
Division of Public Records  
One Ashburton Place, 17<sup>th</sup> Floor  
Boston, MA 02108-1512  
Attn: Dale E. Gittens

**ATTACHMENT**

**(NO. 4)**

### **CLERK'S CERTIFICATE**

I, \_\_\_\_\_, hereby certify:

That I am the duly appointed, qualified Clerk of the City/Town of \_\_\_\_\_  
wherein the \_\_\_\_\_ Redevelopment Authority has been appointed; and

1. That a notice of a meeting of said \_\_\_\_\_ Redevelopment Authority, a copy  
of which notice is annexed hereto, to be held at \_\_\_\_ P.M. on \_\_\_\_\_, 20\_\_, was  
filed with me at least 24 hours prior to the stated time of said meeting; and

2. That I immediately caused a copy of the said notice to be posted publicly in

\_\_\_\_\_ (locations) \_\_\_\_\_ of said City/Town of \_\_\_\_\_.

3. That the posting of the above notice was made pursuant to the provisions of Section

23A of Chapter 39 of the General Laws of Massachusetts, as amended (C. 626, Acts of 1958).

\_\_\_\_\_  
Clerk

Dated: \_\_\_\_\_, Massachusetts

\_\_\_\_\_, 20\_\_

(seal)

-

## APPENDIX

### M.G.L. CHAPTER 121B

#### EXCERPTS GENERAL LAWS OF MASSACHUSETTS

##### CHAPTER 121B: URBAN RENEWAL.

The following are excerpts from <http://www.state.ma.us/legis/laws/mgl/121B-1.htm>

##### Chapter 121B, Section 1. Definitions.

"Blighted open area", a predominantly open area which is detrimental to the safety, health, morals, welfare or sound growth of a community because it is unduly costly to develop it soundly through the ordinary operations of private enterprise by reason of the existence of ledge, rock, unsuitable soil, or other physical conditions, or by reason of the necessity for unduly expensive excavation, fill or grading, or by reason of the need for unduly expensive foundations, retaining walls or unduly expensive measures for waterproofing structures or for draining the area or for the prevention of the flooding thereof or for the protection of adjacent properties and the water table therein or for unduly expensive measures incident to building around or over rights-of-way through the area, or for otherwise making the area appropriate for sound development, or by reason of obsolete, inappropriate or otherwise faulty platting or subdivision, deterioration of site improvements or facilities, division of the area by rights-of-way, diversity of ownership of plots, or inadequacy of transportation facilities or other utilities, or by reason of tax and special assessment delinquencies, or because there has been a substantial change in business or economic conditions or practices, or an abandonment or cessation of a previous use or of work on improvements begun but not feasible to complete without the aids provided by this chapter, or by reason of any

combination of the foregoing or other condition; or a predominantly open area which by reason of any condition or combination of conditions which are not being remedied by the ordinary operations of private enterprise is of such a character that in essence it is detrimental to the safety, health, morals, welfare or sound growth of the community in which it is situated.

"Decadent area", an area which is detrimental to safety, health, morals, welfare or sound growth of a community because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation, or obsolete, or in need of major maintenance or repair, or because much of the real estate in recent years has been sold or taken for nonpayment of taxes or upon foreclosure of mortgages, or because buildings have been torn down and not replaced and under existing conditions it is improbable that the buildings will be replaced, or because of a substantial change in business or economic conditions, or because of inadequate light, air, or open space, or because of excessive land coverage or because diversity of ownership, irregular lot sizes or obsolete street patterns make it improbable that the area will be redeveloped by the ordinary operations of private enterprise, or by reason of any combination of the foregoing conditions.

"Redevelopment authority", a public body politic and corporate created pursuant to section four or corresponding provisions of earlier laws.

"Substandard area", any area wherein dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities or any combination of these factors, are detrimental to safety, health or morals.

"Urban renewal plan", a detailed plan, as it may exist from time to time, for an urban renewal project, which plan may comply with all requirements from time to time prescribed by federal legislation in order to qualify an urban renewal project for federal financial assistance and which plan shall (1) conform to the general plan for the municipality as a whole and be consistent with any definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational, educational and community facilities and other public improvements; (2) be sufficiently complete to indicate the boundaries of the area, such land acquisition, such demolition, removal, and rehabilitation of structures, and such redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning changes, if any, and proposed land uses, maximum densities and building requirements; and (3) indicate or be accompanied by materials indicating the proposed method for relocation of persons and organizations to be displaced by the project and the availability of and means by which there will be provided dwelling units for such persons substantially equal in number to the number of dwelling units to be rendered temporarily or permanently uninhabitable as a result of carrying out the project. In any case where an educational institution or a hospital is located in or near an urban renewal project area, the urban renewal plan for such project, or a development plan prepared by the hospital or educational institution and approved by the urban renewal agency after due notice and public hearing, may include plans for the development of land, buildings and structures adjacent to or in the immediate vicinity of the project area acquired or to be acquired and redeveloped or rehabilitated by such educational institution for educational uses or by such hospital for hospital uses. Such plans may comply with all requirements of federal legislation as they may exist from time to time relating to noncash grant-in-aid credits for expenditures of such hospitals or educational institutions. After its approval by the urban renewal agency, as aforesaid, any development plan which is not part of an urban renewal plan shall be approved by the planning board, the municipal officers and the department in the same manner as urban renewal plans, except that no further public hearing shall be required.

"Urban renewal project", a project to be undertaken in accordance with an urban renewal plan (1) for acquisition by an urban renewal agency of the land and all improvements thereon, if any, within a decadent, substandard or blighted open area covered by an urban renewal plan and for assembly or

clearance by such agency of the land so acquired; or a project (2) for the elimination and for the prevention of the development or spread of a substandard, decadent or blighted open area covered by an urban renewal plan by means of rehabilitation or conservation work, which work may include the promulgation and enforcement of building and other codes within such area or the restoration and renewal of any such area or portion thereof, including the preservation, restoration or relocation of historical buildings, by carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements or by the acquisition by gift, purchase or eminent domain of land and all improvements thereon, if any, and demolition, removal, or rehabilitation of any such improvements whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, provide land for needed public facilities or otherwise remove or prevent the spread of blight and deterioration; or a project (3) involving any combination of the foregoing types of project. ""Urban renewal project" may also include the provision of financial and other assistance in the relocation of persons and organizations displaced as a result of carrying out a project, the installation, construction or reconstruction of public and private ways, public utilities and services, parks, playgrounds, off street parking lots, traffic or fire control and police communications systems and other like improvements necessary for carrying out the objectives of the urban renewal project, together with such site improvements as are necessary for the preparation of any sites for uses in accordance with the urban renewal plan, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise or public charitable agencies, including sale, initial leasing or retention by the urban renewal agency itself for residential, recreational, education, hospital, commercial, industrial, public, charitable or other uses in accordance with the urban renewal plan. ""Urban renewal project" may also include the construction by a housing authority of any of the buildings, for residential use, contemplated by the urban renewal plan and the repair, removal or rehabilitation by an operating agency of any of the buildings, structures or other improvements located in the area covered by the urban renewal plan and which, under such plan, are to be repaired, moved or rehabilitated. ""Urban renewal project" may also include acquisition by any means other than eminent domain and not involving public expenses of land outside of but adjacent to or in the immediate vicinity of an urban renewal project to be developed for hospital or educational uses under the urban renewal plan, whenever such acquisition is for the purpose of making such land subject to the urban renewal plan and the hospital or educational institution involved consents thereto. The term ""redevelopment" shall include ""development".

## **OPERATING AGENCIES.**

### **Chapter 121B: Section 4. Redevelopment authorities; creation; dissolution.**

Section 4. There is hereby created, in each city and town in the commonwealth, a public body politic and corporate to be known as the "Redevelopment authority" of such city or town; provided, that no such authority shall transact any business or exercise any powers until the need for such an authority has been determined and a certificate of organization has been issued to it by the state secretary, both as hereinafter provided.

Whenever the municipal officers of a city, or the voters at an annual or special town meeting determine that there is a need for a redevelopment authority in such city or town for the purpose of engaging in urban renewal projects or other work under this chapter and that it is in the public interest that such an authority be organized in such city or town, a redevelopment authority shall be organized in such city or town.

Whenever a redevelopment authority determines that there is no further need for its existence, and that all outstanding obligations of the authority have been satisfied, it may by a majority vote of the five members submit the question of its dissolution, in a town, to the voters at an annual town meeting or, in a city, to the

municipal officers. If a city or town votes for such dissolution in accordance herewith and the department is satisfied of the existence of the facts required herein, it shall so certify to the state secretary and said redevelopment authority shall be dissolved forthwith subject to the applicable provisions of section fifty-one of chapter one hundred and fifty-five.

**Chapter 121B: Section 5. Membership; appointment; election; term of office.**

Section 5. Every housing and redevelopment authority shall be managed, controlled and governed by five members, appointed or elected as provided in this section, of whom three shall constitute a quorum.

In a city, four members of a housing or redevelopment authority shall be appointed by the mayor subject to confirmation by the city council; provided, that, the members shall be appointed to serve for initial terms of one, two, four and five years, respectively.

In a town, four members shall be elected by the town; provided, that of the members originally elected at an annual town meeting, the one receiving the highest number of votes shall serve for five years, the one receiving the next highest number of votes, for four years, the one receiving the next highest number of votes, for two years, and the one receiving the next highest number of votes shall serve for one year; provided, that upon the initial organization of a housing or redevelopment authority, if a town so votes at an annual or special town meeting called for the purpose, four members of such an authority shall be appointed forthwith by the selectmen to serve only until the qualification of their successors, who shall be elected at the next annual town meeting as provided above.

In a city or town, one member of a housing or redevelopment authority shall be appointed by the department for an initial term of three years.

Thereafter, as the term of a member of any housing or redevelopment authority expires, his successor shall be appointed or elected, in the same manner and by the same body, for a term of five years from such expiration. Membership in a housing or redevelopment authority shall be restricted to residents of the city or town.

In a city, one of the four members of a housing authority appointed by the mayor shall be a resident of that city and shall be a representative of organized labor who shall be appointed by the mayor from a list of not less than two nor more than five names, representing different unions submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America of the city or of the district within which the city is included. If no such list of names is submitted within sixty days after a vacancy occurs, the mayor may appoint any representative of organized labor of his own choosing to the authority. In a city, one of the four members of a housing authority appointed by the mayor shall be a tenant in a building owned and operated by or on behalf of the local housing authority who shall be appointed by the mayor from lists of names submitted by each duly recognized city-wide and project-wide tenants' organization in the city. A tenants' organization may submit a list which contains not less than two nor more than five names to the mayor who shall make his selection from among the names so submitted; provided that, where no public housing units are owned and operated by the local housing authority and no such units are owned and operated on behalf of the local housing authority, the mayor shall appoint any tenant of the housing authority from lists submitted in accordance with this section. If no list of names is submitted within sixty days after a vacancy occurs, the mayor shall appoint any tenant of his choosing to the authority. The mayor shall notify in writing tenant organizations as specified herein not less than ninety days prior to the expiration of the term of a tenant member.

Whenever a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the mayor shall notify in writing the tenant organizations specified herein within ten working days after the vacancy occurs. The mayor shall make an appointment within a reasonable time after the expiration of sixty days after said notice.

Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term,

in the same manner and by the same body, except elected members in towns whose terms shall be filled in accordance with the provisions of section eleven of chapter forty-one. Every member, unless sooner removed, shall serve until the qualification of his successor.

As soon as possible after the qualification of the members of a housing or redevelopment authority the city or town clerk, as the case may be, shall file a certificate of such appointment, or of such appointment and election, as the case may be, with the department, and a duplicate thereof, in either case, in the office of the state secretary. If the state secretary finds that the housing or redevelopment authority has been organized and the members thereof elected or appointed according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the authority and of the election or appointment of the members thereof.

Whenever the membership of an authority is changed by appointment, election, resignation or removal, a certificate and duplicate certificate to that effect shall be promptly so filed. A certificate so filed shall be conclusive evidence of the change in membership of the authority referred to therein.

**Chapter 121B: Section 6. Charges against members; hearing; removal; resignation; suspension.**

Section 6. The mayor or city council or board of selectmen may make or receive written charges against, and the mayor with the approval of the city council, or the board of selectmen, as the case may be, may accept the resignation of, any member of a housing authority or redevelopment authority appointed or elected by such city or town or may, after hearing, remove any such member because of inefficiency, neglect of duty or misconduct in office provided that such member shall have been given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against him and written notice of the date and place of hearing to be held thereon, and at the hearing shall have been given the opportunity to be represented by counsel and to be heard in his defense. The mayor and city council or board of selectmen may also make or receive written charges against any member of a housing or redevelopment authority in such city or town appointed by the department and refer the same to the department which may proceed in the same manner as the mayor and city council or board of selectmen under the preceding sentence. Pending final action upon any such charges, the officer or officers having the power to remove such member may temporarily suspend him, provided that they shall immediately reinstate him in office if they find such charges have not been substantiated, and may appoint a person to perform the duties of such suspended member until he is reinstated or until he is removed and his successor is qualified. In case of any such removal the removing authority shall forthwith deliver to the clerk of the city or town attested copies of such charges and of its findings thereon, and the clerk shall cause the same to be filed with the certificate and duplicate certificate required to be filed with the department and the state secretary under section five.

A member of a housing or redevelopment authority who ceases to be a resident of the city or town shall be removed upon the date of his change of residence by operation of law. A member of a housing authority appointed as a tenant, in accordance with the provisions of section five, who ceases to be a tenant in a building owned and operated by or on behalf of the local housing authority shall be removed upon the date of such change by operation of law. A member of a housing authority who is a tenant in a housing project shall not participate in any decision relating to the project affecting his personal interest.

**Chapter 121B: Section 7. Officers and executive director of authorities; compensation of members.**

Section 7. A housing or redevelopment authority shall elect from among its members a chairman and a vice-chairman, and may employ counsel, an executive director who shall be ex officio secretary of the authority, a treasurer who may be a member of the authority and such other officers, agents and employees as it deems necessary or proper, and shall determine their qualifications, duties and compensation, and may delegate to one or more of its members, agents or employees such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. So far as practicable, a housing or

redevelopment authority shall make use of the services of the agencies, officers and employees of the city or town in which such authority is organized, and such city or town shall, if requested, make available such services, except, that in the city of Boston, the housing authority may contract with said city for the assignment of thirty-seven police officers of the police department of said city to police the buildings and grounds owned by said authority with the proviso that said authority shall reimburse said city for one third of the cost thereof.

A housing authority may compensate its members for each day spent in the performance of their duties and for such other services as they may render to the authority in connection with projects commenced prior to July first, nineteen hundred and sixty-five. Such compensation shall not exceed fifty dollars a day for the chairman and forty dollars a day for a member other than the chairman, provided that the total sum paid to all the members in any one month or year shall not exceed two per centum of the gross income of the housing authority during such month or year, respectively, nor shall the total sum paid in any year exceed twelve thousand five hundred dollars in the case of the chairman or ten thousand dollars in the case of a member other than the chairman. Such compensation shall be allocated by the housing authority among its various projects commenced prior to July first, nineteen hundred and sixty-five, in such manner and amounts as it deems proper. Members of a housing authority shall be allowed, or be reimbursed for, all expenses properly incurred by them within or without the city or town in the discharge of their duties. Such expenses shall be allocated by the housing authority among its various projects in such manner and amounts, as it deems proper.

For the purposes of chapter two hundred and sixty-eight A or paragraph (7) of section forty-four D of chapter one hundred and forty-nine, each housing and redevelopment authority shall be considered a municipal agency and, without limiting the power of a city council or board of aldermen or board of selectmen to classify additional special municipal employees pursuant to said chapter, each member of such an authority, and any person who performs professional services for such an authority on a part-time, intermittent or consultant basis, such as those of architect, attorney, engineer, planner, or construction, financial, real estate or traffic expert, shall be considered a special municipal employee. (*Amended by 1988, 147.*)

Any compensation paid to a tenant member of a housing authority for services as a member shall be included as income in determining rent, and the tenant shall be subject to appropriate rent increases, as provided for in authority policy and as regulated by the department; provided, however, that such compensation shall not be considered income for purposes of determining continued occupancy.

#### **POWERS AND LIABILITIES OF OPERATING AGENCIES.**

##### **Chapter 121B: Section 9. Urban renewal agencies.**

Section 9. The operating agencies having the powers and subject to the limitations provided in sections forty-five to fifty-seven, inclusive, to be known as urban renewal agencies, shall be:--

- (a) each redevelopment authority;
- (b) each housing authority of a city or town in which no redevelopment authority has been organized; provided, however, that no housing authority shall initiate an urban renewal project until the municipal officers of a city or an annual or special town meeting shall have determined that there exists in such city or town a need for urban renewal;
- (c) each housing authority of a city or town in which a redevelopment authority has been organized, but only with respect to projects initiated by such authority before the organization of a redevelopment authority and subject to section fifty-one.

##### **Chapter 121B: Section 10. Designation of authorities.**

Section 10. Unless otherwise particularly provided in sections fifty-eight and fifty-nine the operating



agencies having the powers and subject to the limitations provided in sections fifty-eight and fifty-nine of this chapter shall be either housing authorities or urban renewal agencies, whichever may be designated for the purposes of the particular program by the municipal officers.

**Chapter 121B: Section 11. Powers of operating agencies.**

Section 11. Each operating agency shall have the powers and be subject to the limitations provided in sections one to sixteen, inclusive, shall have the powers necessary or convenient to carry out and effectuate the purposes of the relevant provisions of the General Laws and shall have the following powers in addition to those specifically granted in this chapter:--

- (a) To sue and be sued; to have a seal; to have corporate succession;
- (b) To act as agent of, or to cooperate with the federal government in any clearance, housing, relocation, urban renewal or other project which it is authorized to undertake;
- (c) To receive loans, grants and annual or other contributions from the federal government or from any other source, public or private;
- (d) To take by eminent domain under chapter seventy-nine or chapter eighty A, or to purchase or lease, or to acquire by gift, bequest or grant, and hold, any property, real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of this chapter, or any of its sections, and to sell, exchange, transfer, lease or assign the same; provided, that in case of a taking by eminent domain under said chapter seventy-nine, the provisions of section forty of said chapter shall be applicable, except that the security therein required shall be deposited with the mayor of the city or the selectmen of the town in which the property to be taken is situated. Except as herein otherwise provided, the provisions of chapters seventy-nine and eighty A relative to counties, cities, towns and districts, so far as pertinent, shall apply to operating agencies, and the members of a housing or redevelopment authority shall act on its behalf under those chapters.
- (e) To clear and improve any property acquired by it;
- (f) To engage in or contract for the construction, reconstruction, alteration, remodeling or repair of any clearance, housing, relocation, urban renewal or other project which it is authorized to undertake or parts thereof;
- (g) To make relocation payments to persons and businesses displaced as a result of carrying out any such project;
- (h) To borrow money for any of its purposes upon the security of its bonds, notes or other evidences of indebtedness, and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenue, including without limitation grants or contributions by the federal government, or in any other lawful manner, and in connection with the incurrence of any indebtedness to covenant that it shall not thereafter mortgage the whole or any specified part of its property or pledge the whole or any specified part of its revenues;
- (i) To invest in securities legal for the investment of funds of savings banks any funds held by it and not required for immediate disbursement;
- (j) To enter into, execute and carry out contracts with any person or organization undertaking a project under chapter one hundred and twenty-one A;
- (k) To enter, with the approval of the mayor or board of selectmen and the department, into agreements with the federal government relative to the acceptance or borrowing of funds for any project it is authorized to undertake and containing such covenants, terms and conditions as the operating agency, with like approval, may deem desirable; provided, however, that nothing herein shall be construed to require approval by the mayor or selectmen or the department of requisition agreements and similar contracts between an agency and the federal government which are entered into pursuant to an agreement approved by them;

- (l) To enter into, execute and carry out contracts and all other instruments necessary or convenient to the exercise of the powers granted in this chapter;
- (m) To make, and from time to time amend or repeal, subject to the approval of the department, by-laws, rules and regulations, not inconsistent with pertinent rules and regulations of the department to govern its proceedings and effectuate the purposes of this chapter;
- (n) To join or cooperate with one or more other operating agencies in the exercise, either jointly or otherwise, of any of their powers for the purpose of financing, including the issuance of bonds, notes or other obligations and the giving of security therefore, planning, undertaking, owning, constructing, operating or contracting with respect to any project or projects authorized by this chapter located within the area within which one or more of such authorities are authorized to exercise their powers; and for such purpose to prescribe and authorize, by resolution, any operating agency so joining and cooperating with it to act in its behalf in the exercise of any of such powers; and
- (o) To lease energy saving systems that replace non-renewable fuels with renewable energy such as solar powered systems.

**Chapter 121B: Section 12. Wages; labor requirements; social security.**

Section 12. Each contractor with an operating agency and each subcontractor shall comply with the applicable requirements of chapter one hundred and forty-nine as to wages and hours of labor and any other conditions relating to employment. The department of labor and industries shall enforce this paragraph and shall also have power to petition the court for injunction or other appropriate relief against any operating agency which fails to comply herewith.

An operating agency shall enter into a compact or compacts with the Social Security Board or take such other action, as it may deem appropriate to enable its employees to come within the provisions and obtain the benefits of the Social Security Act. If the employees of such an agency shall come within the provisions of the Social Security Act, their employment shall be included in the term "employment" as used in sections one to seven, inclusive, of chapter one hundred and fifty-one A.

Except as provided in section twenty-nine of this chapter, the provisions of chapter thirty-one and the rules made thereunder shall not apply to any officer, agent or employee of an operating agency or to any person employed on or in connection with any project of an operating agency.

Except as provided in sections twenty-eight and thirty all by-laws, ordinances and regulations of the city or town in which any such project lies relating to the construction of buildings, municipal planning, zoning and the protection of public health shall apply to every project of an operating agency located in such city or town.

**Chapter 121B: Section 13. Contract and tort liability; member's personal liability; relocation of utility facilities.**

Section 13. An operating agency shall be liable in contract or in tort in the same manner as a private corporation. The members, employees, officers and agents of an operating agency shall not be liable as such on its contracts or for torts not committed or directly authorized by them nor shall said members be liable for any negligent or wrongful act or omission for which the operating agency would be liable under applicable rules of law, in which event any action either civil or criminal against the operating agency shall be the exclusive remedy for any injured party. The property or funds of an operating agency shall not be subject attachment or to levy and sale on execution, but if such agency refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the agency is situated, may, by writ of mandamus, direct the treasurer of such agency to pay such judgment. The real estate of such an agency shall not be subject to liens under chapter two hundred and fifty-four, but the provisions of sections twenty-eight and twenty-nine of chapter one hundred and forty-nine shall be applicable to any construction work by such agencies.

An operating agency shall reimburse the Massachusetts Bay Transportation Authority and every railroad corporation for all reasonable costs and expenses incurred by the said transportation authority or such railroad corporation to relocate such of their respective facilities as are required to be removed as part of a project being undertaken pursuant to this chapter by such operating agency and as are necessary for the continuance of the common carrier services performed by said transportation authority or such railroad corporation. "Facilities", as used in this paragraph, shall mean poles, tracks, switches, wires, conduits, cables, signals and structures and in addition thereto equipment appurtenant to any of the foregoing.

**Chapter 121B: Section 14. Federal loans; conveyance upon default.**

Section 14. An operating agency may obligate itself, in any contract with the federal government for a loan or the payment of annual contributions authorized by section eleven, to convey to the federal government the project to which such contract relates, upon the occurrence of a substantial default with respect to the covenants, terms and conditions of such contract to which such agency is subject. Such contract may further provide that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract; provided, that the contract shall require that, as soon as practicable, after the federal government is satisfied that all of the defaults on account of which it acquired the project have been remedied, and that the project will thereafter be operated in compliance with the terms of the contract, the federal government shall reconvey to such agency or its successor the project in the condition in which it then exists. The obligation of an operating agency under such contract shall be subject to specific enforcement by any court having jurisdiction, and, notwithstanding any other provision of the law, shall not be deemed to constitute a mortgage.

**Chapter 121B: Section 15. Bonds, notes, certificates; negotiable instruments.**

Section 15. The bonds, notes and certificates of indebtedness of an operating agency, in the absence of an express recital to the contrary on the face thereof, shall constitute negotiable instruments for all purposes. They may be payable from the income of the agency or constitute a general obligation thereof, may be sold at not less than par, at public or private sale, may mature at such time or times, may be secured in such manner, may provide for such rights and remedies upon their default, may contain such other covenants, terms and conditions not inconsistent with law, may be executed by such officers, and may be issued with or without the corporate seal, all as may be authorized either by vote of the agency or by the officer or officers to whom the power to determine any or all the matters set forth in this sentence may be expressly delegated by vote of such agency. The engraved or printed facsimile of the seal of an agency on its bonds, notes or certificates of indebtedness shall have the same validity and effect as if such seal were impressed thereon. Whenever a bond, note or certificate of indebtedness is required to bear the signatures of two or more officers, it shall be sufficient if the signature of any one of such officers upon such instrument is a written signature and the remaining signature or signatures are engraved, printed or stamped facsimile signatures; provided, that each officer whose facsimile signature appears on such instrument has, by a writing bearing his written signature and filed in the office of the secretary of the agency, authorized the officer whose written signature appears on such instrument to cause such facsimile to be placed thereon. The facsimile signature of any officer so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. In case any officer whose signature or a facsimile thereof appears on any notes, bonds or coupons shall cease to be such officer before the delivery of such notes or bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

The bonds, notes and certificates of indebtedness of an operating agency issued under this chapter and the interest thereon shall be exempt from taxation, with respect to principal and income. The bonds of such an agency issued under this chapter shall be legal investments for the deposits and the income derived

therefrom of savings banks, for the trust funds of trust companies, for the capital and other funds of insurance companies, and for funds over which the commonwealth has exclusive control.

**Chapter 121B: Section 16. Exemption from taxation; revaluation or reassessment of real property; payments in lieu of taxes.**

Section 16. The real estate and tangible personal property of an operating agency including houses constructed by a housing authority on private land in rural areas under the provisions of section twenty-seven shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments; provided, that in lieu of such taxes, betterments and special assessments, a city or town in which an operating agency holds real estate used or to be used in connection with such a project may determine a sum to be paid to the city or town annually in any year or period of years, such sum to be in any year not in excess of the amount that would be levied at the current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the three years preceding the year of acquisition thereof, the valuation for each year being reduced by all abatements thereon.

Whenever a city or town in which such real estate is located shall have made a general revaluation or reassessment of its real property for purposes of taxation, the valuation of such real estate shall be determined by the assessors of said city or town as of January first, in the year succeeding such revaluation or reassessment, by dividing the amount of the payment authorized by this section for the year last preceding the revaluation by the residential class tax rate of said city or town for the year of the revaluation, so that the payment with respect to such land shall remain substantially the same as that made prior to such revaluation or reassessment. The operating agency, if aggrieved by the determination of the assessors, may within six months after written notice thereof appeal to the appellate tax board.

Such a city or town may, however, agree with such an operating agency upon the payments to be made to the city or town as herein provided or such agency may make and such city or town may accept such payments, the amount of which shall not in either case be subject to the foregoing limitation. The last paragraph of section six and all of section seven of chapter fifty-nine shall, so far as apt, be applicable to payments under this section.

Nothing in this chapter shall be construed to prevent the taxation to the same extent and in the same manner as other real estate is taxed, of real estate acquired by an operating agency for an urban renewal project and sold by it, or of the leasehold interests and buildings and other structures belonging to private individuals or corporations on land acquired by it; provided, however, that real estate so acquired by an operating agency and sold or leased to an urban redevelopment corporation or other entity operating under chapter one hundred and twenty-one A, or to an insurance company or savings bank or group of savings banks operating under said chapter, shall be taxed as provided in said chapter and not otherwise; and provided, further, that nothing in this chapter or in chapter fifty-nine shall be construed to require a city or town to impose a tax on the leasehold of real estate owned by an operating agency and leased by it beyond any amount which the city or town and the operating agency have agreed to be the payment in lieu of taxes hereunder.

**URBAN RENEWAL PROGRAMS.**

**Chapter 121B: Section 45. Declaration of necessity.**

Section 45. It is hereby declared that substandard, decadent or blighted open areas exist in certain cities and towns in this commonwealth; that each constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the commonwealth; that each contributes substantially to the spread of disease and crime, necessitating excessive and disproportionate expenditure of public funds for the preservation of the public health and safety, for crime prevention,

correction, prosecution and punishment and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection and other public services and facilities; that each constitutes an economic and social liability, substantially impairs or arrests the sound growth of cities and towns, and retards the provision of housing accommodation; that each decreases the value of private investments and threatens the sources of public revenue and the financial stability of communities; that because of the economic and social interdependence of different communities and of different areas within single communities, the redevelopment of land in decadent, substandard and blighted open areas in accordance with a comprehensive plan to promote the sound growth of the community is necessary in order to achieve permanent and comprehensive elimination of existing slums and substandard conditions and to prevent the recurrence of such slums or conditions or their development in other parts of the community or in other communities; that the redevelopment of blighted open areas promotes the clearance of decadent or substandard areas and prevents their creation and occurrence; that the menace of such decadent, substandard or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; that the acquisition of property for the purpose of eliminating decadent, substandard or blighted open conditions thereon and preventing recurrence of such conditions in the area, the removal of structures and improvement of sites, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by urban renewal agencies and any assistance which may be given by cities and towns or any other public bodies in connection therewith are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the acquisition, planning, clearance, conservation, rehabilitation or rebuilding of such decadent, substandard and blighted open areas for residential, governmental, recreational, educational, hospital, business, commercial, industrial or other purposes, including the provision of streets, parks, recreational areas and other open spaces, are public uses and benefits for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of this commonwealth.

It is further declared that while certain of such decadent, substandard and blighted open areas, or portions thereof, may require acquisition and clearance because the state of deterioration may make impracticable the reclamation of such areas or portions by conservation and rehabilitation, other of such areas, or portions thereof, are in such condition that they may be conserved and rehabilitated in such a manner that the conditions and evils enumerated above may be alleviated or eliminated; and that all powers relating to conservation and rehabilitation conferred by this chapter are for public uses and purposes for which public money may be expended and said powers exercised.

The necessity in the public interest for the provisions of this chapter relating to urban renewal projects is hereby declared as a matter of legislative determination.

#### **Chapter 121B: Section 46. Powers of urban renewal agency.**

Section 46. An urban renewal agency shall have all the powers necessary or convenient to carry out and effectuate the purposes of relevant provisions of the General Laws, and shall have the following powers in addition to those specifically granted in section eleven or elsewhere in this chapter:--

- (a) to determine what areas within its jurisdiction constitute decadent, substandard or blighted open areas;
- (b) to prepare plans for the clearance, conservation and rehabilitation of decadent, substandard or blighted open areas, including plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of laws, codes and regulations relating to the use of land and the use or occupancy of buildings and improvements, plans for the compulsory repair and rehabilitation of buildings and improvements, and plans for the demolition and removal of buildings and improvements;
- (c) to prepare or cause to be prepared urban renewal plans, master or general plans, workable programs for

development of the community, general neighborhood renewal plans, community renewal programs and any plans or studies required or assisted under federal law;

(d) to engage in urban renewal projects, and to enforce restrictions and controls contained in any approved urban renewal plan or any covenant or agreement contained in any contract, deed or lease by the urban renewal agency notwithstanding that said agency may no longer have any title to or interest in the property to which such restrictions and controls apply or to any neighboring property;

(e) to conduct investigations, make studies, surveys and plans and disseminate information relative to community development, including desirable patterns for land use and community growth, urban renewal, relocation, and any other matter deemed by it to be material in connection with any of its powers and duties, and to make such studies, plans and information available to the federal government, to agencies or subdivisions of the commonwealth and to interested persons;

(f) to develop, test and report methods and techniques and carry out demonstrations for the prevention and elimination of slums and urban blight;

(g) to receive gifts, loans, grants, contributions or other financial assistance from the federal government, the commonwealth, the city or town in which it was organized or any other source; and

(h) In any city whose population exceeds one hundred and fifty thousand, to own, construct, finance and maintain intermodal transportation terminals within an urban renewal project area. As used in this clause an "intermodal transportation terminal" shall mean a facility modified as necessary to accommodate several modes of transportation which may include, without limitation, inter-city mass transit service, rail or rubber tire, motor bus transportation, railroad transportation, and airline ticket offices and passenger terminal providing direct transportation to and from airports.

**Chapter 121B: Section 52. Accounts and reports of urban renewal agencies; civil service rules.**

Section 52. Each urban renewal agency shall keep an accurate account of all its activities, receipts and expenditures in connection with the planning and execution of urban renewal projects and shall annually in the month of January make a report of such activities, receipts and expenditures to the department, the state auditor and the mayor of the city or to the selectmen of the town within which such authority is organized, such reports to be in a form prescribed by the department and approved by the state auditor; provided, that such form shall not be inconsistent with any federal legislation and shall conform as closely as may be to such legislation. The department or state auditor shall have the power to examine into the properties and records of urban renewal agencies and to prescribe methods of accounting, not inconsistent with federal legislation, for such activities, receipts and expenditures.

A veteran, as defined in section one of chapter thirty-one, who holds an office or position in the service of a redevelopment authority not classified under said chapter thirty-one, and has held such office or position for not less than three years, shall not be involuntarily separated from such office or position except subject to and in accordance with the provisions of sections forty-one to forty-five, inclusive of said chapter thirty-one to the same extent as if said office or position were classified under said chapter. If the separation in the case of such unclassified offices or positions results from lack of work or lack of money, such a veteran shall not be separated from his office or position while similar offices or positions in the same group or grade, as defined in section forty-five of chapter thirty, exist unless all such offices or positions are held by such veterans, in which case such separation shall occur in the inverse order of their respective original appointments.

No person permanently employed by a redevelopment authority, who is not classified under chapter thirty-one, shall, after having actually performed the duties of his office or position for a period of six months, be discharged, removed, suspended, laid off, transferred from the latest office or employment held by him without his consent, lowered in rank or compensation, nor shall his office or position be abolished, except for just cause and in the manner provided by sections forty-one to forty-five, inclusive, of chapter thirty-

one.

Any employee who has transferred from a housing authority to a redevelopment authority in the same city or town shall, for the purposes of this section, be credited for the period of time in which he was employed by a housing authority.